lying regions. It will be seen that there is no lack of history, but that the closest scrutiny fails to disclose anything that can be called "historical method," and that the history furnishes no material for such analysis as the book contains. Contemplated from the point of view of the "Science of Jurisprudence," truly it is without form and void.

It must not be supposed, however, that the book contains nothing of Mr. Hannis Taylor. Two arguments there are (and if the work has a *raison d'etre* it is the establishment of these two propositions) which could have emanated from no other jurist of our time and the credit for which will not be claimed by any of the distinguished scholars who speak to us from its pages. These two original contributions to jurisprudence are, first, the "far-reaching generalization, now submitted to the consideration of students of the science of jurisprudence for the first time, so far as the author knows" (preface, XV) "that, out of the blending of Roman and English law there is rapidly arising a typical State-law system whose outer shell is English public law * * * and whose interior code is Roman private law;" and, second, the reassertion of the claims of Pelatiah Webster as the inventor of our federal system of government.

As to the former of these, if the distinguished author means anything more than the obvious fact, which has long been a commonplace among students of political science, that the English constitutional system has been adopted, with varying measure of success, by many states whose private law is derived from that of Rome, his exposition fails to make it clear. If he means to imply that the Roman private law is gaining at the expense of the English common law and is tending to supplant the latter in any state in which it has taken root the statement is grotesquely untrue. As to the argument—assuming it to have a legitimate place in a treatise on jurisprudence—that P. Webster is the father of the Constitution, it is not too strong a statement to say that the slightest first-hand acquaintance with the literature of our constitutional history would have rendered it impossible for Mr. Taylor to fall into such an error. Even the author's "good fortune" in unearthing the "epoch-making document" in which Webster gave his views to the world, fails to excuse this infatuation.

But we have wandered with our author far from The Science of Jurisprudence and can return to it only long enough to remark that the treatise which shall combine the historical and analytical methods in a real science of jurisprudence for English readers is still to seek.

MOORE ON FACTS, a Treatise on Facts or the Weight and Value of Evidence. By CHARLES C. MOORE. Northport, N. Y.: Edward Thompson Company. 1908. 2 vols. pp. clxviii, 1612.

The author designed this treatise "to facilitate the preparation for trial, the argument and the decision of questions of fact, by exhibiting what has been said by United States, Canadian and English judges concerning the causes of trustworthiness and untrustworthiness of evidence, and the rules for determining its probative weight." This purpose, and more, has been admirably accomplished. In the preparation of this work the author undertook the work of a pioneer in a territory of the law that has hitherto appeared a most unpromising and uninviting wilderness. When one con-

siders that the author was almost wholly unaided by the previous work of others—Ram on Facts and Wills on Circumstantial Evidence did little more than blaze the trail, and even the digest makers have avoided the ground—one is in doubt as to which is the more worthy of admiration, the richness of the harvest or the long and patient toil by which it was produced.

These volumes contain a surprising number of judicial decisions hitherto (for the greater part) practically inaccessible to the profession. But the book is no mere compilation of cases. The author has not only done an immense amount of original investigation, but in his careful deductions from the decisions has formulated and given permanence to many valuable principles. In fact, it is not too much to say that he has added to the existing and available law of evidence almost an entire branch, the usefulness of which can hardly be overestimated.

It may be true that in many jurisdictions the practitioner will experience difficulty in placing some of this matter directly before a jury, although the arguments suggested by it can readily be used; but in the large number of cases tried without juries, and before appellate courts having jurisdiction to review the facts, the book itself will be of great service and will doubtless find its largest field of usefulness.

There are many parts of the work deserving particular commendation. The chapters on Observation (vol. II, ch. XIV) and Memory (vol. II, ch. XV) are excellent examples of true constructive legal work and are scholarly and valuable contributions to the law. Original and ingenious and at the same time most persuasive is the Actor Rule (sec. 705 *et seq.*) as deduced by the author and illustrated by his large and varied collection of authorities. The discussion throughout the book covers so wide a range and includes so remarkable a number of specific topics that it will prove interesting to lawyers in almost every branch of the profession.

Perfect fairness and a desire to present both sides of every question before expressing his own views is a commendable charactristic of the author's method; though in avoiding the habit of the impulsive *doctrinaire* he sometimes errs too much on the side of modesty. His quotations from the opinions are often so numerous as to render his text almost devoid of individual literary style. Much of the quoted matter, while valuable, ought to have been relegated to the notes. It is unfortunate that the author's habitual reverence for judicial and extra-judicial utterance has so often restrained him from setting forth in his own manner the learning which by right of discovery and conquest he has made his own.

The material is elaborately, even minutely, analyzed and classified, and no pains have been spared to make everything in the book readily accessible to the reader.

THE NEGOTIABLE INSTRUMENTS LAW. By JOHN J. CRAWFORD. Third Edition. New York: Baker, Voorhis & Company. 1908. pp. xlviii, 212.

In its principal features, this edition is not unlike its predecessors.[1] Mr. Crawford, as the draftsman of the law, brings to his editorial work unusual qualifications. The statute, reprinted, is that of New York; but a table has been appended, showing the corresponding sections of the Negotiable

[1]For a notice of the Second Edition, see 2 COLUMBIA LAW REVIEW 273.